

REMARKS

Reconsideration of the outstanding rejections is requested in light of the forgoing amendments and the following comments.

Claim Rejections under 35 U.S.C. §112

Claims 3, 19, 21, 27 and 28 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, 19, 21, 27 and 28 are canceled by this amendment, rendering the Examiner's rejection moot.

Claim Rejections under 35 U.S.C. §102(b)

Claims 1-8 and 11-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 3,323,795 to L.B. Quello ("Quello"). Claims 1-8 and 11-28 are canceled by this amendment, rendering the Examiner's rejection moot.

Claim Rejections under 35 U.S.C. §103

Claims 9 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over Quello. Claims 9 and 10 are canceled by this amendment, rendering the Examiner's rejection moot.

New Claims 29-35

New independent claim 29 recites "a frame member forming a closed loop and defining an interior area within the closed loop and an exterior area outside the closed loop, the frame member at least partially defining an opening within the interior area" and "a fabric portion coupled to the frame member, the fabric portion positioned substantially within a portion of the exterior area." Claim 29 also recites "at least one buoyancy member disposed at a location on the fabric portion" and "at least one weight disposed at a location on the fabric portion" and "the fabric portion extending outwardly from the frame member away from the opening and maintaining a substantially planar orientation when submerged in water."

Quello discloses a swim-through loop including a frame connected to a buoyant member. The frame supports a panel constructed of two layers of plastic sheeting and having a circular opening cut through the panels. The panel extends across the area enclosed by the frame and buoyant member.

Unlike the present invention, as recited by independent claim 29, which recites “a frame member . . . defining an interior area . . . and an exterior area . . . the frame member at least partially defining an opening within the interior area” and “a fabric portion coupled to the frame member . . . positioned substantially within a portion of the exterior area,” Quello merely discloses a frame that supports a plastic sheeting on an interior side of the frame and an opening defined by the plastic sheeting, not the frame.

In addition, unlike claim 29, which recites “at least one buoyancy member disposed at a location on the fabric portion” and “at least one weight disposed at a location on the fabric portion,” Quello discloses a buoyancy member connected to the frame and sand filled inside the frame. Thus, the buoyancy member and the sand of Quello are not disposed at a location on a fabric portion as recited in claim 29.

For at least these reasons, new independent claim 29 is patentably distinguishable over Quello. Based at least on their dependence upon claim 29, claims 30-35 are also patentably distinguishable over Quello.

New Claims 36-42

New independent claim 36 recites “a frame member forming a continuous loop and defining an opening within the continuous loop” and “a fabric portion coupled to the frame member and extending outwardly from the frame member away from the opening, the fabric portion including an outer peripheral edge unconstrained by the frame member.” Claim 36 further recites “at least one buoyancy member coupled to the fabric portion” and “at least one weight coupled to the fabric portion.”

The present invention, recites in claim 36, “a frame member forming a continuous loop and defining an opening within the continuous loop,” unlike Quello, which discloses an opening defined by the plastic sheeting, not the frame.

In addition, the present invention recites in claim 36 “a fabric portion coupled to the frame member and extending outwardly from the frame member away from the opening,” unlike Quello, which discloses the plastic sheeting extending inwardly from the frame across an area enclosed by the frame.

Lastly, contrary to claim 36 of the present invention, which recites “the fabric portion including an outer peripheral edge unconstrained by the frame member,” Quello discloses the plastic sheeting being constrained along its periphery by the frame.

For at least these reasons, new independent claim 36 is patentably distinguishable over Quello. Based at least on their dependence upon claim 36, claims 37-42 are also patentably distinguishable over Quello.

New Claims 43-50

New independent claim 43 recites, “a fabric portion including an interior portion and an exterior portion, the interior portion at least partially defining an opening and the exterior portion disposed opposite from the opening” and “a frame member coupled to the interior portion of the fabric portion and disposed between the opening and the exterior portion of the fabric portion.” Claim 43 also recites “the frame member forming a substantially rigid perimeter of the opening.”

Unlike independent claim 43, which recites “a fabric portion including . . . an exterior portion disposed opposite from the opening” and “a frame member . . . disposed between the opening and the exterior portion of the fabric portion,” Quello merely discloses a frame enclosing a plastic sheet within an interior area of the frame, the plastic sheet having an opening. Thus, the frame in Quello is not disposed between the opening and an exterior portion of a fabric portion as recited in claim 43.

In addition, unlike claim 43, which recites “the frame member forming a substantially rigid perimeter of the opening,” Quello discloses an opening defined by the plastic sheeting and a frame that constrains an outer periphery of the plastic sheeting, not the opening. Therefore the frame does not form a substantially rigid perimeter of the opening, as recited in claim 43.

For at least these reasons, new independent claim 43 is patentably distinguishable over Quello. Based at least on their dependence upon claim 43, claims 44-50 are also patentably distinguishable over Quello.

CONCLUSION


All of the stated grounds for rejection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. Applicant also requests allowance of the new claims 29-50. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner has further questions in connection with this application or believes that personal communication would be helpful in the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

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